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To: Patent and Trademark Office
Commissioner for Patents

From: Robert A. Seldon, Esq.

Fax: (703) 872-9306

Date: March 15, 2004

Phone:

Pages: 9 (including cover sheet)

Your

Our Ref.: L8382-01005

Ref.:

Re:

cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ PER YOUR REQUEST

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/631301
Filed: July 31, 2003
Applicant: Chisum
Docket No: L8382-01005

TC/A.U: IPED
Conf: 2628

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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**Response to Notice to File Missing Parts
And
Request for Three Month Extension**

OFFICIAL

Dear Sir:

This is a response to the Notice To File Missing Parts mailed October 20, 2003 (the "Notice"). The Notice requires a filing of an oath or declaration signed by inventor Perry Freeborn.

Applicant requests that this application be accepted without Mr. Freeborn's signed declaration. This application is a continuation of U.S. serial number 09/844,113 filed April 25, 2001, a declaration for which Mr. Freeborn refused to sign. Enclosed are copies of the undersigned's declaration submitted in support of a petition to accept the '113 application without Mr. Freeborn's signature, together with a copy of the Office's decision granting the petition.

Applicant requests a three month extension of time in which to respond to the Notice. Kindly charge Deposit Account 02-2448 for the \$540 fee (\$65 late fee plus \$475 extension fee), as well as any other fee, incurred by this response.

Respectfully submitted,

Birch, Stewart, Kolasch & Birch

Dated: March 15, 2004

By: 

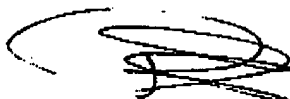
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

March 15, 2004



Robert A. Seldon



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

Paper No. 7

Robert Seldon
Seldon & Scillieri LLP
2811 Wilshire Blvd., Suite 640
Santa Monica, CA 90403

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DEC 03 2001

In re Application of
Chisum et al.
Application No. 09/844,113
Filed: April 25, 2001
Attorney Docket No. IWP/01

OFFICE OF PETITIONS

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed September 20, 2001.


The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Robert A. Seldon attest a copy of the application was faxed to the non-signing inventor's representative. Subsequent communication with non-signing inventor's representative indicated the application was received. The non-signing inventor's failure to respond to the application sufficiently establishes that the inventor refuses to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision may be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/631,301	07/31/2003	Dennis Chisum	1.8382-01005

BIRCH, STEWART, KOLASCH & BIRCH, LLP
18th Fl.
10940 Wilshire Boulevard
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CONFIRMATION NO. 2628

FORMALITIES LETTER



0C00000001120828

Date Mailed: 10/28/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Perry Freeborn
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(a) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration-Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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